

# Court of Appeals, State of Michigan

## ORDER

People of MI v Charles William Malette

Docket No. 352921

LC No. 19-003922-FH

Amy Ronayne Krause  
Presiding Judge

Patrick M. Meter

Michael F. Gadola  
Judges

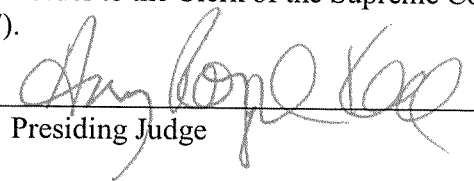
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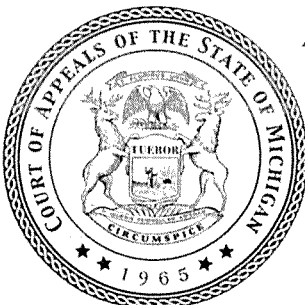
The Court orders that the second motion to hold appeal in abeyance is DENIED. We do not consider it reasonable to hold this appeal in abeyance for an indefinite period of time based on a possibility that defendant might be in a better position to file a Standard 4 brief at some unknown later date. In this regard, the ability to file a Standard 4 brief does not rise to the level of being a constitutional right. See *People v Davis*, 216 Mich App 47, 56; 549 NW2d 1 (1996) (criminal defendant has a constitutional entitlement to self-representation or representation by counsel, but not both).

In lieu of granting the second motion to extend time for filing supplemental brief the Clerk's Office is directed upon entry of this order to open a new Court of Appeals file based on the claim of appeal document filed by defendant on November 3, 2020. That new appeal shall be docketed as taken from the amended judgment of sentence dated October 29, 2020 and docketed as filed on November 3, 2020. Further, that new Court of Appeals file shall be CONSOLIDATED with the present appeal in Docket Number 352921.

The motion to seal the second motion to hold appeal in abeyance is GRANTED. That motion is sealed because it includes specific information of a confidential personal nature and there is no less restrictive means to adequately and effectively protect the confidentiality of that information. MCR 7.211(C)(9)(e); MCR 8.119(I)(2). The Clerk shall disclose or provide copies of any order or opinion entered in this appeal, MCR 8.119(I)(6), but the sealed second motion to hold appeal in abeyance shall not be disclosed or made available for public viewing. The case docket shall not be blocked on the Court's website.

The Clerk is directed to forward a copy of this order to the Clerk of the Supreme Court and to the State Court Administrative Office. MCR 8.119(C)(7).

  
Presiding Judge

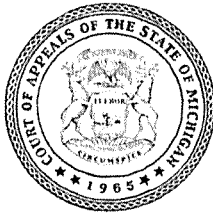


A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

November 20, 2020  
Date

  
Chief Clerk

CHRISTOPHER M. MURRAY  
CHIEF JUDGE  
JANE M. BECKERING  
CHIEF JUDGE PRO TEM  
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State of Michigan  
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JUDGES  
JEROME W. ZIMMER JR.  
CHIEF CLERK

## **POLICY ON CONSOLIDATED CASES**

The enclosed order consolidates the noted appeals. This statement explains the effect of consolidation on the appellate process.

FILING DEADLINES regarding transcripts, motions or briefs will not be affected by the consolidation. Rather, those deadlines that would apply in each individual docket number will be enforced by the Court. Where brief due dates are different in each docket number, on motion to the Court and payment of one motion fee counsel may be permitted to consolidate brief due dates so that one brief may be filed.

CAPTIONS in consolidated cases are not generally affected by consolidation. The easiest and most accurate way to caption a pleading to be filed in a set of consolidated cases is to reproduce the individual captions seriatim, in ascending order of this Court's docket numbers. Party connections, such as defendant-appellant, plaintiff-appellee, should be accurate within each docket number. Combining all parties and party connections into one catch-all caption is discouraged because it is almost impossible to do so without sacrificing accuracy.

DOCKETING of pleadings will be most quickly accomplished if the title of the pleading specifies the individual docket number(s) in which filing is to be made. For example, where plaintiff is appellant in one case and appellee in the other, docketing will be facilitated by the following pleading title:

"Plaintiff-Appellant's Brief in No. 229000"

FORMAL SUBMISSION of consolidated cases to a panel is joint. The panel will receive all briefs filed in all parts of the consolidated cases. If oral argument has been preserved, the cases will be argued as one case before the same panel. Time allotted to each side for oral argument will be calculated pursuant to MCR 7.214(B). Note that if a brief is late in one case of a set of consolidated cases, oral argument as to the issues raised in that brief is not preserved.

DECISION of consolidated cases will occur in one opinion. Release of the opinion will occur as per the Court's customary procedures.

If you have any questions at all about preparing documents for filing in your consolidated appeals, please contact the Clerk's Office for assistance.

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